



DEPARTMENT OF THE ARMY  
INSTALLATION MANAGEMENT AGENCY  
HEADQUARTERS, UNITED STATES ARMY AREA III SUPPORT ACTIVITY  
UNIT # 15716  
APO AP 96271-5716

REPLY TO  
ATTENTION OF:

01 JAN 2006

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MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: US Army Area III Support Activity Policy Memorandum #55, Armed Forces Disciplinary Control Board (AFDCB)

1. References:

- a. Army Regulation (AR) 190-24, Armed Forces Disciplinary Control Boards and Off-Installation Liaison and Operations, 30 June 1993.
- b. USFK Regulation 27-5, Individual Conduct and Appearance, 20 May 2004.
- c. USFK Regulation 190-2, Off-Limits Areas and Establishment, 7 May 2004.
- d. USFK Regulation 190-50, Law Enforcement Procedures in Korea, 12 June 1998.
- e. Memorandum, Office of the Deputy Secretary of Defense, 30 January 2004, subject: Combating Trafficking in Persons in the Department of Defense.

2. Purpose: To establish standard policies and procedures for the operation of the centralized Area III Armed Forces Disciplinary Control Board.

3. Applicability:

- a. This Policy applies to all U.S. Armed Forces personnel assigned, attached to, visiting or residing in Area III.
- b. Supplementation by subordinate commanders is prohibited unless specifically approved by the Commander, Area III.

4. General: The Area III AFDCB is established by the Commander, Area III under the provisions of AR 190-24. The AFDCB will convene to:

- a. Advise and make recommendations to the Commander, Area III on matters concerning the elimination of crime, or other conditions which may negatively affect the discipline, health, safety, morals, welfare and/or morale of USFK personnel, civilians or their dependents and those issues listed in paragraph 8 below.

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b. Coordinate with appropriate civil authorities on problems or adverse conditions existing in the board's area of jurisdiction.

c. Make recommendations to commanders in the board's area of jurisdiction concerning off-installation procedures to prevent or control undesirable conditions.

5. Composition of the Board:

a. Members of the Area III AFDCB will include the following individuals or their designated representative

- (1) Deputy to the Garrison Commander-Board President\*
- (2) Staff Judge Advocate
- (3) Area III Provost Marshal\*
- (4) USACIDC\*
- (5) Safety Affairs Officer\*
- (6) Public Affairs Officer
- (7) Staff Chaplain
- (8) Community Relations Officer (CRO)
- (9) Commander, C Company 168<sup>th</sup> Medical Battalion
- (10) Community Health Officer\*
- (11) Alcohol/Drug Control Officer\*
- (12) Equal Opportunity Officer\*
- (13) DPTMS
- (14) Recorder

b. Voting members (\*) will consist of the Provost Marshal, SAC Area III CID Office, Safety Affairs Officer, Community Health Officer, Alcohol/Drug Control Officer, Equal Opportunity Officer, and the Board President. All voting members will use their independent judgment and not be influenced in their vote by rank or rating chain of any other voting members.

c. Area III Tenant commanders and their representatives are encouraged to participate in all AFDCB meetings.

6. Responsibilities:

a. Area III Commander:

- (1) Serves as the sponsoring commander and convenes the Board.
- (2) Promulgates the Board's implementing directives.

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(3) Approves or disapproves the minutes and recommendations of the Board.

(4) Publishes and distributes a list of "Off-limits" establishments and areas.

(5) Ensures that proprietors are notified of any unfavorable actions being contemplated or taken regarding their establishments.

b. Area III Tenant Commanders:

(1) Monitor local area and establishments for conditions which may adversely affect the health, safety, morals, welfare or discipline of service members.

(2) Work to resolve problems at the local level.

(3) Report problems or concerns to the Provost Marshal.

(4) In the event an emergency off-limits action is needed, immediately notify the Area III Provost Marshal.

(5) Present reports of problems, allegations, and/or other issues at board meetings as required.

c. President of the AFDCB

(1) The Deputy to the Area III Commander is appointed as President of the AFDCB and votes as a member of the Board.

(2) The President will preside at all meetings of the board. The President will sign correspondence implementing directives and actions based on the minutes of the board.

d. Provost Marshal:

(1) Receive notifications from Commanders and report them to the Board President.

(2) Initiate independent investigation of complaints using assigned Military Police Investigators (MPI).

(3) Present reports of independent investigations by MPI to the Board.

(4) Enforce off-limits actions within Area III.

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e. Staff Judge Advocate:

- (1) Provide legal advice to the Board and the Board President.
- (2) Provide legal reviews of all investigations and recommendations by the Board.

f. Community Relations Officer:

- (1) Assist the Board and Area III Commander in resolving problems at the local level.
- (2) Coordinate with Korean National Police, when necessary and deliver written notification of Board proceedings/decisions to proprietors or interested persons in the community.

g. Public Affairs Officer:

- (1) Provide support IAW AR 190-24, Appendix B, paragraphs B-10.
- (2) Use Command Information Outlets and publications to inform Tenant Commanders and U.S. Armed Forces personnel of those areas designated as off-limits.

h. Recorder:

- (1) Serve as the Board Recorder at the AFDCB meetings.
- (2) Prepare correspondence for the Board President's signature.
- (3) Prepare an agenda for each regular meeting of the Board and notify each Board member at least 7 days in advance of each regular meeting.
- (4) Make timely notification to each Board member for each emergency meeting.
- (5) Publish and distribute the minutes of each meeting and maintain current records and files pertaining to the operations and actions of the Board.

7. Procedures:

a. Meetings:

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(1) Regular AFDCB meetings will be held once each quarter, or as designated by the Sponsoring Commander IAW AR 190-24, Appendix B, paragraph B-2. It is within the discretion of the Sponsoring Commander to determine whether a meeting shall be closed or open to the public. Normally, proceedings are closed, but may be open to the public when circumstances warrant. Announcement of open meetings shall be made through the Morning Calm Newspaper.

(2) Emergency or special meetings of the Board will be called by the Sponsoring Commander when he/she is advised of conditions that warrant consideration.

(3) Meetings will be announced to the Board Members through electronic mail (e-mail) or telephone contact.

(4) Except by unanimous consent of members present, final action will be taken only on the business for which the regular or special meeting was called.

(5) All other actions of the Board will be determined by a majority of the voting members.

(6) Written minutes of the Board meetings will be prepared. The minutes are an official record of the Board meetings, and will reflect the reasons for approving or removing an off-limits restriction. All Board actions shall be recorded in the minutes. Copies of the minutes will be distributed to each member of the Board and to the commanders of military units within the Board's jurisdictional area.

b. Off-Limits Procedures/Board Notification:

(1) An off-limits area is defined in AR 190-24 as any vehicle, conveyance, place, structure, building, or area which service members are prohibited to use, ride, and visit or enter during the period in which it may be declared off-limits. Soldiers who violate the provisions of AR 190-24 are subject to disciplinary action under Article 92, UCMJ.

(2) Upon receipt of a complaint and/or off-limits request, the Board President will initiate a thorough investigation of the area, conveyance, or establishment for which the sanction is requested.

(3) Prior to initiating an off-limits action, an attempt to correct any condition or situation will be made through normal community relations channels. A letter of notification will be delivered to the proprietor explaining that their establishment may be placed off limits if conditions are not corrected. This letter will be written in Hangul and English and hand delivered to the establishment's proprietor. In cases involving prostitution and human

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trafficking, establishments will be placed off limits using the emergency off-limits procedures in paragraph 7c. .

(4) If the proprietor takes remedial action to remedy the condition, a letter of appreciation will be sent. When attempts have failed to correct the unsatisfactory situation or conditions require other actions, the following steps will be taken:

(a) The President will have the written notice of the alleged adverse condition(s) hand delivered to the proprietor. This notice will offer a reasonable amount of time (normally 15 days) to correct the condition(s) and provide the proprietor an opportunity to appear before the Board and present relevant information. The proprietor may appear before the Board with or without counsel or a designated representative.

(b) The President will direct the appropriate staff agency to investigate the allegation against the establishment(s) or area(s). The results of this investigation will be issued to the board for review and action.

(c) If the proprietor fails to reply, or if the subsequent investigation reveals a failure by the proprietor to take appropriate corrective actions, the Board may recommend the imposition of the off-limits sanction to the Commander, Area III. The Commander, Area III will either approve or disapprove the recommendations. The President will have the letter hand delivered to the proprietor informing him/her that the off limits restriction has been imposed and that they may appeal to the AFDCB at any time. A change of ownership, management, or name of any off-limits establishment does not, in and of itself, revoke the off-limits restriction.

(d) The Board will make quarterly inspections of off limits establishments, and a statement that an inspection has been completed will be included in the minutes of the Board. A proprietor whose establishment or area has been placed off-limits may at any time, without invitation, send a written petition the President of the Board requesting removal of the off-limits sanction. The proprietor must provide in detail the action he/she has taken to eliminate the adverse conditions or situation necessitating the imposition of the sanction. In response to such petition, the President will direct the applicable staff section to investigate the establishment or areas and report the results to the Board.

(e) If the Board does not remove the off-limits restriction, the board will send a letter of continuance of the off-limits restriction to the proprietor. This letter will also inform the proprietor of his/her right to appeal the Board's decision to the sponsoring commander.

(f) If unsatisfied after exhausting all appeals to the sponsoring commander, the proprietor may appeal to the Commanding General, 19<sup>th</sup> TSC.

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c. Emergency Off-Limits Procedures:

(1) In accordance with AR 190-24, 2-7a, the Area Commander retains substantial discretion to declare establishments or areas temporarily off-limits to personnel during emergency situations where conditions exist that are extremely harmful to Armed Forces personnel. Emergency off-limits procedures will also be used when there is credible evidence that an establishment's proprietor or employees participate in prostitution and/or human trafficking. Temporary off-limits declarations will be acted upon by the AFDCB on a priority basis.

(2) If an establishment or area is declared off-limits under emergency circumstances, the AFDCB President will convene an emergency meeting of the AFDCB. All emergency off-limits actions must be reviewed by the AFDCB and validated or revoked as soon as possible. Detailed justification for the emergency action must be provided to the Board President for Board use.

8. Actions for Consideration by the AFDCB:

a. The Board will study and take appropriate action in conjunction with all conditions detrimental to the good order and discipline, health, morals, welfare, safety, and morale of Armed Forces personnel. This will include, but is not limited to the following:

- (1) Crime and misconduct (disorder and lack of discipline)
- (2) Prostitution and human trafficking
- (3) Sexually transmitted disease
- (4) Liquor violations
- (5) Racial and other discriminatory practices
- (6) Alcohol and drug abuse such as use, possession, or distribution of narcotics, marijuana, and dangerous drugs
- (7) Drug abuse paraphernalia
- (8) Criminal or illegal activities involving cults or hate groups
- (9) Illicit gambling
- (10) Areas susceptible to terrorist activity

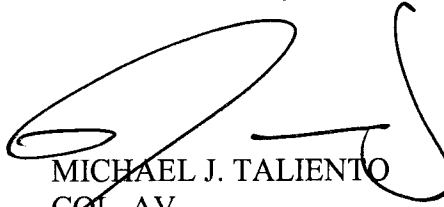
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- (11) Unfair commercial or consumer practices
- (12) Military and civilian relationships that may be detrimental to service personnel
- (13) Unsanitary and other adverse conditions in establishments frequented by Armed Forces personnel
- (14) Off-installation/base safety practices
- (15) Overcrowding or lack of control over building occupancy
- (16) Other undesirable conditions that may adversely affect members of the military or their families

b. Emergency off-limits actions will be initiated when it is reported that a service member or their dependent, a DoD civilian, or a DoD contractor has contracted any type of sexually transmitted disease through contacts with a resident or employee of a particular location or housing/business establishment.

9. Address any questions regarding this policy to the Area III Legal Center, United States Army Support Activity & Area III, ATTN: Administrative Law Division, 753-5474.



MICHAEL J. TALIENTO  
COL, AV  
Commanding